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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 28 2023

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

Case No.: 2:22-CR-48-RMP-1

12 Plaintiff,

11(c)(1)(C) Plea Agreement

13 v.

14 JOSEPH LEROY MARTINEZ,

15 Defendant.

16 The United States of America, by and through Vanessa R. Waldref, United
17 States Attorney the Eastern District of Washington, and Richard R. Barker,
18 Assistant United States Attorney for the Eastern District of Washington, and
19 Defendant Joseph Leroy Martinez ("Defendant"), both individually and by and
20 through Defendant's counsel, Federal Defender Andrea George, agree to the
21 following 11(c)(1)(C) Plea Agreement.

22 1. Guilty Plea and Maximum Statutory Penalties

23 Defendant agrees to enter a plea of guilty pursuant to Federal Rule of
24 Criminal Procedure 11(c)(1)(C) to Count 2 of the Indictment filed on April 19,
25 2022, which charges Defendant with Assault Resulting in Serious Bodily Injury in
26 Indian Country, in violation of 18 U.S.C. § 113(a)(6), 1153, a Class C felony.

27 Defendant understands that the following potential penalties apply:

- 28 a. a term of imprisonment of not more than 10 years;

- b. a term of supervised release of up to three years;
- c. a fine of up to \$250,000;
- d. restitution; and
- e. a \$100 special penalty assessment.

2. Supervised Release

Defendant understands that if Defendant violates any condition of Defendant's supervised release, the Court may revoke Defendant's term of supervised release, and require Defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, up to the following terms:

- a. 5 years in prison if the offense that resulted in the term of Supervised Release is a class A felony,
- b. 3 years in prison if the offense that resulted in the term of Supervised Release is a class B felony, and/or
- c. 2 years in prison if the offense that resulted in the term of Supervised Release is a class C felony.

Accordingly, Defendant understands that if Defendant commits one or more violations of supervised release, Defendant could serve a total term of incarceration greater than the maximum sentence authorized by statute for Defendant's offense or offenses of conviction.

3. The Court is Not a Party to this Plea Agreement

The Court is not a party to this Plea Agreement and may accept or reject it. Defendant acknowledges that no promises of any type have been made to Defendant with respect to the sentence the Court will impose in this matter.

Defendant understands the following:

- a. sentencing is a matter solely within the discretion of the Court;

- b. the Court is under no obligation to accept any recommendations made by the United States or Defendant;
- c. the Court will obtain an independent report and sentencing recommendation from the United States Probation Office;
- d. the Court may exercise its discretion to impose any sentence it deems appropriate, up to the statutory maximum penalties;
- e. the Court is required to consider the applicable range set forth in the United States Sentencing Guidelines, but may depart upward or downward under certain circumstances; and
- f. the Court may reject recommendations made by the United States or Defendant, and that will not be a basis for Defendant to withdraw from this Plea Agreement or Defendant's guilty plea except as otherwise set forth in this Federal Rule of Criminal Procedure 11(c)(1)(C) Plea Agreement.

4. Rule 11-Nature of the Plea Agreement

Defendant acknowledges that this Plea Agreement is entered pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) ("Rule 11(c)(1)(C)"). Pursuant to Rule 11(c)(1)(C), the United States and Defendant agree that the appropriate disposition of the case is 15-21 months in custody.¹ Defendant's federal sentence also shall be followed by 3 years of Supervised Release. The United States and

¹ Defendant is separately agreeing to plead guilty in Colville Case No. CR-2021-44154 and agreeing to a recommended sentencing range of 6 months in Tribal custody in the Tribal case to run consecutively with his sentence in this federal case. Pursuant this plea agreement the parties agree that Defendant will receive credit toward his federal sentence for the time already served in Tribal custody from on or about December 2, 2021 through the day Defendant was formally placed into the custody of the U.S. Marshals on or about April 19, 2022. Defendant understands he will not receive credit toward his Tribal sentence in 2021-44154 for the time already served in Tribal custody; rather this prior period in Tribal custody will be credited toward his federal sentence.

1 Defendant agree to make sentencing recommendations consistent with this
2 sentencing range to the Court. Although the United States and Defendant agree to
3 make these recommendations to the Court pursuant to Rule 11(c)(1)(C), Defendant
4 acknowledges that no promises of any type have been made to Defendant with
5 respect to the sentence the Court will ultimately impose.

6 Defendant understands that Defendant may withdraw from this Plea
7 Agreement if the Court imposes a term of imprisonment of greater than 21 months
8 in custody or indicates its intent to do so. Defendant also understands that the
9 United States may withdraw from this Plea Agreement if the Court imposes a term
10 of imprisonment of less than 15 months, or imposes a sentence to run concurrently
11 with any sentence in Colville Case No. CR-2021-44154, or indicates its intent to
12 do so.

13 The United States and Defendant acknowledge that the imposition of any
14 fine, restitution, or conditions of Supervised Release are not part of the Rule
15 11(c)(1)(C) nature of this Plea Agreement; that the United States and Defendant
16 are free to make any recommendations they deem appropriate as to the imposition
17 of fines, restitution, or conditions of Supervised Release unless specified otherwise
18 herein; and that the Court will exercise its discretion in this regard. The United
19 States and Defendant acknowledge that the Court's decisions regarding the
20 imposition of fines, restitution, or conditions of Supervised Release will not
21 provide bases for Defendant to withdraw Defendant's guilty plea or withdraw from
22 this Rule 11(c)(1)(C) Plea Agreement.

23 Defendant acknowledges that if either the United States or Defendant
24 successfully withdraws from this Plea Agreement, the Plea Agreement becomes a
25 nullity, and the United States is no longer bound by any representations within it.

26 5. Potential Immigration Consequences of Guilty Plea

27 If Defendant is not a citizen of the United States, Defendant understands the
28 following:

- a. pleading guilty in this case may have immigration consequences;
- b. a broad range of federal crimes may result in Defendant's removal from the United States, including the offense to which Defendant is pleading guilty;
- c. removal from the United States and other immigration consequences are the subject of separate proceedings; and
- d. no one, including Defendant's attorney or the Court, can predict with absolute certainty the effect of a federal conviction on Defendant's immigration status.

Defendant affirms that Defendant is knowingly, intelligently, and voluntarily pleading guilty as set forth in this Plea Agreement, regardless of any immigration consequences that Defendant's guilty plea may entail.

6. Waiver of Constitutional Rights

Defendant understands that by entering this guilty plea, Defendant is knowingly and voluntarily waiving certain constitutional rights, including the following:

- a. the right to a jury trial;
- b. the right to see, hear and question the witnesses;
- c. the right to remain silent at trial;
- d. the right to testify at trial; and
- e. the right to compel witnesses to testify.

While Defendant is waiving certain constitutional rights, Defendant understands that Defendant retains the right to be assisted by an attorney through the sentencing proceedings in this case and any direct appeal of Defendant's conviction and sentence, and that an attorney will be appointed at no cost if Defendant cannot afford to hire an attorney.

1 Defendant understands and agrees that any defense motions currently
 2 pending before the Court are mooted by this Plea Agreement, and Defendant
 3 expressly waives Defendant's right to bring any additional pretrial motions.

4 7. Elements of the Offense

5 The United States and Defendant agree that in order to convict Defendant of
 6 Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §113(a)(6),
 7 1153, the United States would have to prove the following beyond a reasonable
 8 doubt.

9 *First*, on or about December 2, 2022, in the Eastern District of Washington,
 10 Defendant assaulted M.H. by intentionally striking M.H. and using a display of
 11 force that reasonably caused M.H. to fear immediate bodily harm;

12 *Second*, as a result, M.H. suffered serious bodily injury;

13 *Third*, the assault took place within the exterior boundaries of the
 14 Confederated Tribes of the Colville Reservation, in Indian country;

15 *Fourth*, Defendant is an Indian and an enrolled member of the Confederated
 16 Tribes of the Colville Reservation; and

17 *Fifth*, the Confederated Tribes of the Colville Reservation is a federally-
 18 recognized tribe.

19 8. Factual Basis and Statement of Facts

20 The United States and Defendant stipulate and agree to the following: the
 21 facts set forth below are accurate; the United States could prove these facts beyond
 22 a reasonable doubt at trial; and these facts constitute an adequate factual basis for
 23 Defendant's guilty plea.

24 The United States and Defendant agree that this statement of facts does not
 25 preclude either party from presenting and arguing, for sentencing purposes,
 26 additional facts that are relevant to the Sentencing Guidelines computation or
 27 sentencing, unless otherwise prohibited in this Plea Agreement.

1 On December 2, 2021, Defendant, an enrolled member of the Colville Tribe,
2 observed M.H. outside Defendant's home on Defendant's property on the Colville
3 Reservation. Defendant, who knew M.H. to use and distribute illegal narcotics on
4 the Colville Reservation, retrieved a machete from a truck and attacked M.H.
5 outside Defendant's home. Defendant hit M.H. at least two times with the
6 machete, including on the back of M.H.'s head and M.H.'s hand, nearly severing
7 M.H.'s thumb – which constitutes serious bodily injury. After the assault,
8 Defendant remained on scene, where he was placed under arrest without incident.
9 Defendant stated to Tribal Law Enforcement that M.H. was trespassing. To the
10 extent M.H. was on Defendant's property, Defendant acknowledges that he used
11 excessive force under the circumstances of the assault.

12 9. The United States' Agreements

13 The United States Attorney's Office for the Eastern District of Washington
14 agrees that at the time of sentencing, the United States will move to dismiss Count
15 1 of the Indictment filed on April 19, 2022, which charges Defendant with Assault
16 with a Dangerous Weapon in Indian Country, in violation of 18 U.S.C. § 113(a)(3),
17 1153.

18 The United States Attorney's Office for the Eastern District of Washington
19 agrees not to bring additional charges against Defendant based on information in
20 its possession at the time of this Plea Agreement that arise from conduct that is
21 either charged in the Indictment or identified in discovery produced in this case,
22 unless Defendant breaches this Plea Agreement before sentencing.

23 10. United States Sentencing Guidelines Calculations

24 Defendant understands and acknowledges that the United States Sentencing
25 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine
26 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.
27 The United States and Defendant agree to the following Guidelines calculations.

28 a. Base Offense Level

1 The United States and the Defendant agree that the base offense level for
2 Assault Resulting in Serious Bodily Injury is 14. U.S.S.G. § 2A2.2(a).

3 b. Special Offense Characteristics

4 The United States and the Defendant agree that Defendant's base offense
5 level is increased by a total of 9 levels because Defendant used dangerous weapon
6 (machete) and serious bodily injury resulted. U.S.S.G. § 2A2.2(b)(2)-(3).

7 c. Acceptance of Responsibility

8 The United States will recommend that Defendant receive a three-level
9 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.
10 § 3E1.1(a), (b), if Defendant does the following:

- 11 i. accepts this Plea Agreement;
- 12 ii. enters a guilty plea at the first Court hearing that takes
- 13 place after the United States offers this Plea Agreement;
- 14 iii. demonstrates recognition and affirmative acceptance of
- 15 Defendant's personal responsibility for Defendant's
- 16 criminal conduct;
- 17 iv. provides complete and accurate information during the
- 18 sentencing process; and
- 19 v. does not commit any obstructive conduct.

20 The United States and Defendant agree that at its option and on written
21 notice to Defendant, the United States may elect not to recommend a reduction for
22 acceptance of responsibility if, prior to the imposition of sentence, Defendant is
23 charged with, or convicted of, any criminal offense, or if Defendant tests positive
24 for any controlled substance.

25 d. No Other Agreements

26 The United States and Defendant have no other agreements regarding the
27 Guidelines or the application of any Guidelines enhancements, departures, or
28 variances. Defendant understands and acknowledges that the United States is free

1 to make any sentencing arguments it sees fit, including arguments arising from
2 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed
3 pursuant to this Agreement, and Defendant's relevant conduct.

4 e. Criminal History

5 The United States and Defendant have no agreement and make no
6 representations about Defendant's criminal history category, which will be
7 determined by the Court after the United States Probation Office prepares and
8 discloses a Presentence Investigative Report.

9 11. Incarceration

10 The parties agree to recommend a sentence between 15 and 21 months'
11 incarceration. Defendant agrees to recommend in Tribal Court that his sentence in
12 Colville Tribal Case No. CR-2021-44154 shall run consecutively with his sentence
13 in this federal case. Any time spent in Tribal Custody prior to Defendant's federal
14 sentencing shall count toward his federal sentence and not toward any Tribal
15 sentence.

16 12. Supervised Release

17 The United States and Defendant each agree to recommend 3 years of
18 supervised release. Defendant agrees that the Court's decision regarding the
19 conditions of Defendant's Supervised Release is final and non-appealable; that is,
20 even if Defendant is unhappy with the conditions of Supervised Release ordered by
21 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty
22 plea, withdraw from this Plea Agreement, or appeal Defendant's conviction,
23 sentence, or any term of Supervised Release.

24 The United States and Defendant agree to recommend that in addition to the
25 standard conditions of supervised release imposed in all cases in this District, the
26 Court should also impose the following conditions:

- 27 a. The United States Probation Officer may conduct, upon
28 reasonable suspicion, and with or without notice, a search of

1 Defendant's person, residences, offices, vehicles, belongings,
2 and areas under Defendant's exclusive or joint control.

3 b. Defendant shall participate and complete such drug testing and
4 drug treatment programs as the Probation Officer directs.

5 c. Defendant shall complete mental health evaluations and
6 treatment, including taking medications prescribed by the
7 treatment provider. Defendant shall allow reciprocal release of
8 information between the Probation Officer and the treatment
9 provider. Defendant shall contribute to the cost of treatment
10 according to the Defendant's ability.

11 13. Criminal Fine

12 The United States and Defendant may make any recommendation
13 concerning the imposition of a criminal fine. Defendant acknowledges that the
14 Court's decision regarding a fine is final and non-appealable; that is, even if
15 Defendant is unhappy with a fine ordered by the Court, that will not be a basis for
16 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea
17 Agreement, or appeal Defendant's conviction, sentence, or fine.

18 14. Mandatory Special Penalty Assessment

19 Defendant agrees to pay the \$100 mandatory special penalty assessment to
20 the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C.
21 § 3013.

22 15. Restitution

23 The United States and Defendant agree that restitution is appropriate and
24 mandatory, without regard to Defendant's economic situation, to identifiable
25 victims who have suffered physical injury or pecuniary loss, pursuant to 18 U.S.C.
26 §§ 3663A, 3664.

27 Pursuant to 18 U.S.C. § 3663(a)(3), Defendant voluntarily agrees to pay
28 restitution for all losses caused by Defendant's individual conduct, in exchange for

1 the United States not bringing additional potential charges, regardless of whether
2 counts associated with such losses will be dismissed as part of this Plea
3 Agreement. With respect to restitution, the United States and Defendant agree to
4 the following:

5 a. Restitution Amount and Interest

6 The United States and Defendant stipulate and agree that, pursuant to 18
7 U.S.C. §§ 3663, 3663A and 3664, the Court should order restitution in an amount
8 to be determined at the time of sentencing, and that any interest on this restitution
9 amount, if any, should be waived.

10 b. Payments

11 To the extent restitution is ordered, the United States and Defendant agree
12 that the Court will set a restitution payment schedule based on Defendant's
13 financial circumstances. 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant
14 agrees to pay not less than 10% of Defendant's net monthly income towards
15 restitution.

16 c. Treasury Offset Program and Collection

17 Defendant understands the Treasury Offset Program ("TOP") collects
18 delinquent debts owed to federal agencies. If applicable, the TOP may take part or
19 all of Defendant's federal tax refund, federal retirement benefits, or other federal
20 benefits and apply these monies to Defendant's restitution obligations. 26 U.S.C.
21 § 6402(d); 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

22 Defendant understands that the United States may, notwithstanding the
23 Court-imposed payment schedule, pursue other avenues to ensure the restitution
24 obligation is satisfied, including, but not limited to, garnishment of available funds,
25 wages, or assets. 18 U.S.C. §§ 3572, 3613, and 3664(m).

26 Nothing in this acknowledgment shall be construed to limit Defendant's
27 ability to assert any specifically identified exemptions as provided by law, except
28 as set forth in this Plea Agreement.

1 Until Defendant's fine and restitution obligations are paid in full, Defendant
 2 agrees fully to disclose all assets in which Defendant has any interest or over
 3 which Defendant exercises control, directly or indirectly, including those held by a
 4 spouse, nominee or third party.

5 Until Defendant's fine and restitution obligations are paid in full, Defendant
 6 agrees to provide waivers, consents, or releases requested by the U.S. Attorney's
 7 Office to access records to verify the financial information.

8 d. Notifications and Waivers

9 - Defendant agrees to notify the Court and the United States of any material
 10 change in Defendant's economic circumstances (e.g., inheritances, monetary gifts,
 11 changed employment, or income increases) that might affect Defendant's ability to
 12 pay restitution. 18 U.S.C. § 3664(k). Defendant also agrees to notify the United
 13 States of any address change within 30 days of that change. 18 U.S.C.
 14 § 3612(b)(1)(F). These obligations cease when Defendant's fine and restitution
 15 obligations are paid in full.

16 Defendant acknowledges that the Court's decision regarding restitution is
 17 final and non-appealable; that is, even if Defendant is unhappy with the amount of
 18 restitution ordered by the Court, that will not be a basis for Defendant to withdraw
 19 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal
 20 Defendant's conviction, sentence, or restitution order.

21 16. Payments While Incarcerated

22 If Defendant lacks the financial resources to pay the monetary obligations
 23 imposed by the Court, Defendant agrees to earn money toward these obligations by
 24 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

25 17. Additional Violations of Law Can Void Plea Agreement

26 The United States and Defendant agree that the United States may, at its
 27 option and upon written notice to the Defendant, withdraw from this Plea
 28 Agreement or modify its sentencing recommendation if, prior to the imposition of

1 sentence, Defendant is charged with or convicted of any criminal offense or tests
2 positive for any controlled substance.

3 18. Waiver of Appeal Rights

4 In return for the concessions that the United States has made in this Plea
5 Agreement, Defendant agrees to waive Defendant's right to appeal Defendant's
6 conviction and sentence if the Court imposes a term of imprisonment consistent
7 with the terms of this Rule 11(c)(1)(C) Plea Agreement.

8 If the Court indicates its intent to impose a sentence above the Rule
9 11(c)(1)(C) terms of this Agreement and Defendant chooses *not* to withdraw, then
10 Defendant: (a) may appeal only Defendant's sentence, but not Defendant's
11 conviction; (b) may appeal Defendant's sentence only if it exceeds the high end of
12 the Guidelines range determined by the Court; and (c) may appeal only the
13 substantive reasonableness of Defendant's sentence.

14 Defendant expressly waives Defendant's right to appeal any fine, term of
15 supervised release, or restitution order imposed by the Court.

16 Defendant expressly waives the right to file any post-conviction motion
17 attacking Defendant's conviction and sentence, including a motion pursuant to 28
18 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from
19 information not now known by Defendant and which, in the exercise of due
20 diligence, Defendant could not know by the time the Court imposes sentence.

21 Nothing in this Plea Agreement shall preclude the United States from
22 opposing any post-conviction motion for a reduction of sentence or other attack
23 upon the conviction or sentence, including, but not limited to, writ of habeas
24 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

25 19. Compassionate Release

26 In consideration for the benefits Defendant is receiving under the terms of
27 this Plea Agreement, Defendant expressly waives Defendant's right to bring any
28 motion for Compassionate Release other than a motion arising from one of the

1 specific bases set forth in this paragraph of this Plea Agreement. The United States
2 retains the right to oppose, on any basis, any motion Defendant files for
3 Compassionate Release.

4 The only bases on which Defendant may file a motion for Compassionate
5 Release in the Eastern District of Washington are the following:

6 a. Medical Condition of Defendant

7 i. Defendant is suffering from a terminal illness (i.e., a
8 serious and advanced illness with an end of life
9 trajectory). A specific prognosis of life expectancy (i.e.,
10 a probability of death within a specific time period) is not
11 required. Examples include metastatic solid-tumor
12 cancer, amyotrophic lateral sclerosis (ALS), end-stage
13 organ disease, and advanced dementia; or

14 ii. Defendant is suffering from a serious physical or medical
15 condition, a serious functional or cognitive impairment,
16 or deteriorating physical or mental health because of the
17 aging process that substantially diminishes the ability of
18 the defendant to provide self-care within the environment
19 of a correctional facility and from which Defendant is not
20 expected to recover.

21 b. Age of Defendant

22 i. Defendant is at least 65 years old, is experiencing a
23 serious deterioration in physical or mental health because
24 of the aging process; and has served at least 10 years or
25 75 percent of Defendant's term of imprisonment,
26 whichever is less; or

27 ii. Defendant is at least 70 years old and has served at least
28 30 years in prison pursuant to a sentence imposed under

1 18 U.S.C. § 3559(c) for the offense or offenses for which
2 Defendant is imprisoned.

3 c. Family Circumstances

- 4 i. The caregiver of Defendant's minor child or children has
5 died or become incapacitated, and Defendant is the only
6 available caregiver for Defendant's minor child or
7 children; or
8 ii. Defendant's spouse or registered partner has become
9 incapacitated, and Defendant is the only available
10 caregiver for Defendant's spouse or registered partner.

11 d. Subsequent Reduction to Mandatory Sentence

- 12 i. Defendant pleaded guilty to an offense which, on the date
13 of Defendant's guilty plea, carried a mandatory minimum
14 sentence; and
15 ii. after the entry of judgment, the length of the mandatory
16 minimum sentence for Defendant's offense of conviction
17 was reduced by a change in the law; and
18 iii. the application of the reduced mandatory minimum
19 sentence would result in Defendant receiving a lower
20 overall sentence.

21 e. Ineffective Assistance of Counsel

- 22 i. Defendant seeks Compassionate Release based on a
23 claim of ineffective assistance of counsel arising from
24 information that Defendant both
25 1. did not know at the time of Defendant's guilty
26 plea, and
27 2. could not have known, in the exercise of due
28 diligence, at the time the Court imposed sentence.

1 20. Withdrawal or Vacatur of Defendant's Plea

2 Should Defendant successfully move to withdraw from this Plea Agreement
3 or should Defendant's conviction be set aside, vacated, reversed, or dismissed
4 under any circumstance, then:

- 5 a. this Plea Agreement shall become null and void;
- 6 b. the United States may prosecute Defendant on all available
7 charges;
- 8 c. The United States may reinstate any counts that have been
9 dismissed, have been superseded by the filing of another
10 charging instrument, or were not charged because of this Plea
11 Agreement; and
- 12 d. the United States may file any new charges that would
13 otherwise be barred by this Plea Agreement.

14 The decision to pursue any or all of these options is solely in the discretion
15 of the United States Attorney's Office.

16 Defendant agrees to waive any objections, motions, and/or defenses
17 Defendant might have to the United States' decisions to seek, reinstate, or reinitiate
18 charges if a count of conviction is withdrawn, set aside, vacated, reversed, or
19 dismissed, including any claim that the United States has violated Double
20 Jeopardy.

21 Defendant agrees not to raise any objections based on the passage of time,
22 including alleged violations of any statutes of limitation or any objections based on
23 the Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.

24 21. Integration Clause

25 The United States and Defendant acknowledge that this document
26 constitutes the entire Plea Agreement between the United States and Defendant,
27 and no other promises, agreements, or conditions exist between the United States
28 and Defendant concerning the resolution of the case.

1 This Plea Agreement is binding only on the United States Attorney's Office
2 for the Eastern District of Washington, and cannot bind other federal, state, or local
3 authorities.

4 The United States and Defendant agree that this Agreement cannot be
5 modified except in a writing that is signed by the United States and Defendant.

6 Approvals and Signatures

7 Agreed and submitted on behalf of the United States Attorney's Office for
8 the Eastern District of Washington.

9 Vanessa R. Waldref
10 United States Attorney

11 

12 Richard R. Barker
13 Assistant United States Attorney

3/28/23

Date

14 I have read this Plea Agreement and I have carefully reviewed and discussed
15 every part of this Plea Agreement with my attorney. I understand the terms of this
16 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and
17 voluntarily. I have consulted with my attorney about my rights, I understand those
18 rights, and I am satisfied with the representation of my attorney in this case. No
19 other promises or inducements have been made to me, other than those contained
20 in this Plea Agreement. No one has threatened or forced me in any way to enter
21 into this Plea Agreement. I agree to plead guilty because I am guilty.

22
23 


24 Joseph Leroy Martinez
25 Defendant

3/28/23

Date

26 I have read the Plea Agreement and have discussed the contents of the
27 agreement with my client. The Plea Agreement accurately and completely sets
28 forth the entirety of the agreement between the parties. I concur in my client's

1 decision to plead guilty as set forth in the Plea Agreement. There is no legal
2 reason why the Court should not accept Defendant's guilty plea.
3

4 
5 Andrea George
6 Attorney for Defendant

3-28-2023
Date